

NOV - 8 1993

**Before the  
Federal Communications Commission  
Washington, D. C. 20554**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

Implementation of Sections 3(n) and 332 of  
the Communications Act

Regulatory Treatment of Mobile Services

GN Docket No. 93-252

**COMMENTS OF ROCKWELL INTERNATIONAL CORPORATION**

Pursuant to Section 1.415 of the Federal Communications Commission ("the Commission") Rules and Regulations, Rockwell International Corporation ("Rockwell") hereby submits an original and nine copies of Comments on the Notice of Proposed Rulemaking (NPRM) regarding Implementation of Sections 3(n) and 332 of the Communications Act of 1934 relating to regulatory treatment of mobile services.

**MOBILE SERVICE**

The NPRM in Section III.A.1 asks for comments on the Commission's intention to broadly define "mobile service" to include all public mobile services (Part 22); mobile satellite services (Part 25); private land mobile services (Part 90); mobile marine and aviation services (Parts 80 and 87); personal radio services (Part 95) and personal communications services (proposed Part 99). The definition of what is included within the term "mobile services" requires further clarification. It is Rockwell's view that where the communications facility is provided on a transportable platform but that platform does not move when communications services are provided should be excluded. For example,

No. of Copies rec'd 049  
List ABCDE

"mobile satcom equipment packaged in a briefcase" is a potential candidate for applications requiring rapid and/or easy set-up and tear-down, but otherwise fixed communications. Examples are disaster relief, temporary fixed communications for news reporters, expeditions and temporary communications in remote areas. Here, the equipment is transportable or "mobile" but not normally used in a mobile mode. Complications are created by dual-use equipment, examples being Inmarsat-M terminals which are also available "in a briefcase". It is our view that these applications are fixed communications, not mobile services.

### **SERVICE PROVIDED FOR PROFIT**

In defining "Service provided for profit" the Commission should consider the special status of new and experimental service. It is customary for new communications networks, involving new technology and/or new end-user applications, to be introduced in a phased manner, where the early phases are devoted to technology and/or market evaluation. In these early phases, the services may be offered at a loss or break-even level by the service provider in order to gain information and evaluate the service. Such early phases of service should not be subjected to the requirements attached to Commercial Mobile Service. The "for profit" categorization should be applied only when the rates are set to generate a profit from the service.

The Commission also seeks comments on "whether a licensee who operates a system for internal use but also makes excess capacity available on a for-profit basis should be deemed to be providing for-profit service to that extent." It is Rockwell's view that to the extent that the service is provided for profit, such service should be deemed

to be "for profit" service, since providers of these services would be competing for market share with providers who, because they do not have internal customers, would be regarded as providing for profit service. Such providers should, therefore, be subject to the same regulatory requirements as any Commercial Radio Service provider.

### **INTERCONNECTED SERVICE**

Rockwell supports the position that holds that use of the public switched networks to enable customers to access the hub of a store-and-forward network, such as a mobile satellite-based truck fleet management network, does not constitute "interconnected service." In these arrangements subscribers do not have direct, real-time access to the public switched network. Moreover, only selected destination points in the public switched network are accessible to the mobile subscribers, those destination points being the addresses of the customers' dispatch offices. Accordingly, the Commission should adopt the Part 90 test that distinguishes store-and-forward service from interconnected service.

The definition of "interconnected service" should not be affected by the particular store-and-forward technology used by the service provider. Regardless of the technology used, unless the user can have real-time, "transparent through the hub", packet-switched (as opposed to message-switched) access to the public network, he should not be considered interconnected to the public network. The key determinant should be whether the customer's entire message is stored at the hub before it is forwarded or whether the customer has access to the public network at the individual packet level via a "virtual" or "physical" circuit offered through the hub.

## **PUBLIC-SWITCHED TELEPHONE NETWORK**

The Commission asked for comments as to whether "public switched network" as used in the definition of "interconnected service" should encompass more than the traditional network provided by local exchange and interexchange carriers. It is Rockwell's view that the term "public-switch Network" is more appropriate (and that which is intended) than the term "public-switched telephone network (PSTN)." The term "PSTN" suggests a dependence on the physical medium or type of service (voice or data) provided. The term "public-switched network" on the other hand, would bring public switched data networks (PSDNs) within the purview of the new regulations and would be in keeping with the intent of the legislation, whose focus was surely on the "public" aspect of the network, not the "telephone" service provided by the PSTN network.

## **SATELLITE SERVICE**

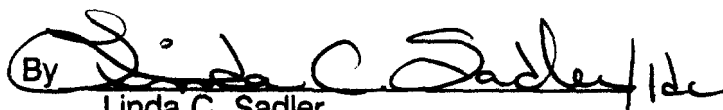
In the NPRM the Commission tentatively concludes that it will continue its existing procedures for determining if providers of space segment capacity to providers of service should be treated as common carriage. The Commission has held that the satellite licensee would be classified as a private carrier because "common carrier obligations would impede the ability of mobile satellite service operators to tailor services to meet their customer's needs." But, if the satellite system licensee opts to provide commercial mobile service directly to end users...it shall be treated as a common carrier." Rockwell does not agree with the premise that it is necessary to exempt a satellite system licensee from common carrier classification on the grounds that such classification would "impede the ability of the mobile satellite service operators to tailor services to meet their

customers' needs" while placing the reseller of space segment capacity under common carrier obligations.

The capacity reseller has a greater need for flexibility than the satellite system licensee as the end-user reseller has to package the end-to-end service in a manner that is customized for different users. In contrast, the satellite system licensee typically offers the same uplink-downlink facilities (e.g., satellite power and bandwidth, or hub-to-mobile switched data service) and hub interface options (typically via public data network, Telex or dial-up services) to all users. These options are not, typically, "tailored to meet their customers' needs" as suggested by the Commission. In contrast, the end-user reseller often provides value-added services in its own message concentrator/router (such as a base station) and the mobile terminal's user-interface software that is customized to different user classes. Hence, if an exemption from common carrier regulation is to be granted on the grounds of promoting flexibility, its beneficiary should be the end-user reseller, not the satellite system licensee, unless and to the extent that the satellite system also provides service directly to the end user.

Respectfully submitted,

ROCKWELL INTERNATIONAL CORPORATION

By   
Linda C. Sadler  
Manager, Governmental Affairs  
Rockwell International Corp.  
1745 Jefferson Davis Highway  
Arlington, VA 22202

703-412-6696

November 8, 1993